
Supervision Framework

Accredited Costs Lawyers



21 April 2021 (version 1)

Costs Lawyer Standards Board

CLSB
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Introduction

1. This framework sets out how the CLSB supervises compliance by Accredited Costs Lawyers with the [Accredited Costs Lawyer Rules](#).
2. This framework forms part of a wider supervision programme, which involves the use of similar frameworks for other supervision activities such as auditing complaints procedures and compliance with the CPD Rules. It should be read in conjunction with the CLSB's [Supervision Policy](#).

Regulatory context

3. Costs Lawyers may apply to be accredited by the CLSB for the purpose of providing continuing professional development (CPD) to other practitioners. Accreditation lasts for three years. There is a [Register of Accredited Costs Lawyers](#) on the CLSB website.
4. Costs Lawyers are only eligible to apply for accreditation if they have been practicing for at least four years post-qualification. They must agree to comply (and must in fact comply) with the Accredited Costs Lawyer Rules for the duration of their accreditation.
5. The accreditation scheme is closely linked to the CLSB's CPD Rules. When the accreditation scheme was first devised, the CPD Rules provided that practitioners could only claim CPD points for attending training delivered by a fellow Costs Lawyer if that Costs Lawyer was accredited. When new CPD Rules were introduced on 1 January 2021, that restriction was removed, but the accreditation scheme was retained for Costs Lawyers who wished to become or remain accredited on a voluntary basis.
6. Today, accreditation indicates to training participants that the Accredited Costs Lawyer will meet certain minimum quality thresholds when delivering CPD activities, giving those participants confidence in their training provider and raising standards in training delivery across the profession as a whole.

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7. The aim of supervision in this area is therefore to ensure that the standards established by the Accredited Costs Lawyer Rules are maintained, as this underpins the scheme's credibility and ensures it achieves its purpose.
 8. Rule 5.1 provides that the CLSB may audit CPD provided by an Accredited Costs Lawyer against the requirements in the Accredited Costs Lawyer Rules at any time during the period of accreditation or upon an application for accreditation.

Approach to supervision

9. Supervision of Accredited Costs Lawyers is undertaken in two ways:
 - Proactive supervision – this occurs whenever an Accredited Costs Lawyer applies for reaccreditation.
 - Reactive supervision – this occurs when a complaint or other event during the period of accreditation gives rise to a concern that an Accredited Costs Lawyer has failed to comply with the Accredited Costs Lawyer Rules, triggering an audit.

Proactive supervision – reaccreditation

10. Accredited Costs Lawyers who apply for a second or subsequent period of accreditation must certify that they have complied with the Accredited Costs Lawyer Rules and must demonstrate that compliance by reference to a training event of their choice, as well as submitting evidence of their training materials.
11. Annex A sets out the questions that Accredited Costs Lawyers must answer when completing an application for reaccreditation. If satisfactory answers are given to these questions, and there is no other reason under the Rules to refuse accreditation, then the Costs Lawyer will be reaccredited.
12. If the answers to the questions reveal non-compliance with the Rules, reveal any of the grounds for termination of accreditation set out in Rule 2.2, or are otherwise insufficient to establish compliance with the Rules, then the CLSB will (at its discretion) either:
 - refuse the application for reaccreditation under Rule 1.3; or

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- allow the application for reaccreditation, but proceed to audit the Accredited Costs Lawyer's training.

13. If the CLSB allows the application but proceeds with an audit, the CLSB may begin the audit process at either:

- the stage described in paragraph 15 below; or
- the stage described in paragraph 18 below, as the CLSB considers appropriate.

Reactive supervision – audit

14. The primary method of supervision is the proactive supervision described above. However, reactive supervision is also necessary to ensure that any suspected non-compliance can be dealt with appropriately during a period of accreditation. Thus an Accredited Costs Lawyer's training may be audited in the event of a complaint or other concern being raised, which the CLSB believes warrants further investigation, or in the circumstances described in paragraph 12 above.

15. In the event of an audit, the CLSB will request a full list of all training provided by the Costs Lawyer in the previous two years. The CLSB will select one or more training events about which information and materials must be provided, and will ask the Costs Lawyer to demonstrate compliance with the Rules in the same way as in an application for reaccreditation (as shown in Annex A).

16. Where an audit has been triggered by a complaint or concern that relates to a specific training event, the CLSB will usually ask for information and materials for that event.

17. Where the CLSB concludes that the information and materials provided demonstrate compliance with the Rules, the Accredited Costs Lawyer will be advised by email that they have passed the audit.

18. If the audit reveals any non-compliance with the Rules, the CLSB will explain the finding of non-compliance to the Accredited Costs Lawyer and will work with them

to ensure compliance going forward. The CLSB may ask the Accredited Costs Lawyer to provide information and materials for a specified number of future training events, until the CLSB is confident that ongoing compliance has been established.

19. Rule 2.2 allows the CLSB to terminate a practitioner's accreditation in certain circumstances, including:
 - failure to cooperate fully with an audit; and
 - failure to otherwise comply with the Accredited Costs Lawyer Rules, if the CLSB believes that the non-compliance is sufficiently serious or irremediable to require termination of the accreditation in the public interest.
20. Non-compliance may be considered irremediable where the Accredited Costs Lawyer indicates that they are unwilling or unable to revise their training provision to comply with the Rules going forward. In this context, unwillingness may be inferred from an Accredited Costs Lawyer's conduct. Such conduct might include, for example, repeated breaches of the same or different Rules following non-compliance being identified and communicated to the Accredited Costs Lawyer by the CLSB.
21. Examples of non-compliance that might be sufficiently serious to require termination of accreditation under Rule 2.2 include:
 - a complete failure to have regard to the Accredited Costs Lawyer Rules when delivering training;
 - a breach that causes material harm to a training participant;
 - a breach that materially undermines the credibility of the accreditation scheme.
22. Where the CLSB concludes that there are grounds to terminate an accreditation for non-compliance under Rule 2.2, the CLSB will remove the Accredited Costs Lawyer's name from the Register of Accredited Costs Lawyers and notify the Costs Lawyer by email.
23. The audit process and possible outcomes are shown diagrammatically in Annex B.

Other activity

24. A failure to comply with the Accredited Costs Lawyer Rules is not, in itself, a regulatory breach. However, where a failure to comply with the Accredited Costs Lawyer Rules amounts to a breach of the CLSB's other regulatory arrangements (for example, if the failure involves conduct that is dishonest or discriminatory), action may be taken under the Disciplinary Rules and Procedures. Failure to cooperate with an audit is also likely to constitute a breach of the Code of Conduct.

25. Periodically, a report of the outcomes of both proactive and reactive supervision is provided to the CLSB board. Learnings from the audit are used to provide feedback to the profession (for example, by highlighting anonymised examples of poor practice and good practice) and to inform ongoing improvements to the accreditation scheme.

Annex A



Information requested from Accredited Costs Lawyers in applications for reaccreditation

1. Please describe the training that you have delivered in the last three years.
2. Please choose one training event that is typical of the kind of training you usually provide. In relation to that event, please briefly describe how the training meets the requirements of the following rules in the Accredited Costs Lawyer Rules.

Rule 4.1 Consider the following matters and communicate these to participants:

- The purpose and intended outcomes of the training.
- The intended audience, including level of assumed prior knowledge.
- The knowledge and understanding that should be achieved on completion.

Rule 4.2 Ensure the content of the training is:

- Sufficient to meet the purpose and outcomes identified under rule 4.1.
- Relevant to the professional development needs of the intended audience.
- Set at an appropriate level for the intended audience.
- Up to date and accurate.

Rule 4.3 Ensure the method of delivering the training is:

- Appropriate for meeting the purpose and outcomes identified under rule 4.1.
- Safe (particularly if the training is delivered in a physical venue).
- Secure (particularly if the training is delivered virtually).
- User friendly, taking into account the needs of participants.

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- Inclusive and non-discriminatory, including by making reasonable adjustments for those with a disability.

Rule 4.7 (only if relevant) Ensure that any person who assists in providing the training (such as a guest speaker) has:

- Relevant qualifications and current experience of the subject matter.
- The necessary skills to deliver the content effectively.

3. Describe how you have acted on feedback received from attendees to improve the training you provide.
4. The following documentation is required as part of your application:
 - A sample of training materials you have provided to participants, as required by Rule 4.4. This should be for the training about which you have answered questions 2 and 3.
 - A minimum of three examples of written feedback from participants, as required by Rule 4.8, if possible for the same training event for which sample materials are provided.

Annex B – Audit process and outcome

